UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.52
22 January 1993

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Third session

SUMMARY RECORD OF THE 52nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 14 January 1993, at 10 a.m.

Chairman: Mrs. BADRAN

CONTENTS

Consideration of reports submitted by States parties under article 44 of the Convention

Report of Bolivia

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.93-15082 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 11)

Report of Bolivia (CRC/C/3/Add.2)

1. At the invitation of the Chairman, Mr. Soruco Villanueva, Mrs. Chavez Bustios and Mr. Valcarce (Bolivia) took seats at the Committee table.

2. The CHAIRMAN welcomed the delegation of Bolivia and invited it to introduce the Bolivian report (CRC/C/3/Add.2).

3. Mr. SORUCO VILLANUEVA (Bolivia) said that Bolivia had ratified the Convention on the Rights of the Child two years before; it had been adopted as a law of the Republic by the National Congress and promulgated by the President of the Republic on 14 May 1990. The importance attached to children in the framework of Bolivia's social policy was reflected in the Government's prompt ratification of the Convention, the preparation of the initial report and a series of additional instruments. Despite its limited economic resources, Bolivia paid special attention to its social policy and in that context gave priority to its largest sector, its children, who represented the future of the nation.

4. A proper understanding of the situation in Bolivia required some knowledge of the far-reaching transformation the country had undergone in recent years. Since 1982, Bolivia had been under a democratic regime, which enabled it to protect civil liberties and make progress in respect for human rights. Since 1985, however, its economic situation had been particularly difficult due to a strict stabilization programme aimed in particular at strengthening the exchange rate, establishing real prices, reducing public spending and liberalizing interest rates. That economic model had borne fruit in that the rate of inflation had been reduced from 14 per cent in 1991 to 10.46 per cent in 1992, among the lowest in Latin America, and growth rates were far higher than the rate of population increase. There had been an increase in savings and international reserves and a reduction in the external debt. Thus the economic indicators reflected a generally healthy economy and there was a consensus on the effectiveness and importance of maintaining the economic model.

5. However, as economic growth was meaningless without attention to social problems, especially those of the most vulnerable sectors such as women and children, an appropriate legal framework was being set up to deal with those problems in an orderly and systematic way.

6. The report clearly described the efforts being made, certain of which he would like to highlight because of their special interest. First, the Bolivian Social Strategy provided a means of channelling the efforts of social institutions in both the public and private sectors towards specific goals. Poverty, which was the main problem affecting a high percentage of the Bolivian population and in some cases was of a structural nature, had become a

matter of priority. The goal in both the short and medium terms was to improve opportunities for the poorest groups and in the long term to improve the well-being of the population in general. The Strategy was aimed not only at resolving problems of health, nutrition, education and basic sanitation, but also at dealing with the low productivity of certain sectors of the economy.

7. The social programmes placed particular emphasis on women in the target groups because of their decisive role in the health, nutrition and education of the younger generation. The current national policy of preventive rather than curative health would continue and be developed more fully, with emphasis on the mother and child. As the report mentioned, the child mortality indicators had decreased; that was due to greater health service coverage and specific mother and child health programmes, mass vaccination campaigns, improvements in access to basic services and a higher educational level of the population. Significant progress had been made in immunization programmes, although coverage was still lower than in other Latin American countries. Problems due to lack of iodine had been significantly reduced in the 1980s.

8. It was planned to reduce the levels of child malnutrition through action aimed at increasing family income and raising the educational level of mothers with regard to nutrition. The educational reform would focus on primary and rural education and increasing the participation of women in higher education.

9. With regard to financial resources, the public budget emphasized the social aspect by reorganizing spending, priority being given to programmes and projects aimed at both rural and urban areas. The resources from privatization would be placed in a special fund aimed exclusively at the social sector, and resources from grants and concessional loans would also be used for social action.

10. The Ten-Year Plan of Action for Women and Children was a mechanism for implementing the mother-and-child components of the Bolivian Social Strategy and sectoral strategies. Its basic objective was to make viable proposals for improving the living conditions of the poorest sectors. The Plan set specific goals to be attained by the year 2000 and designed inter-agency mechanisms enabling society as a whole to participate in the definition, evaluation and execution of programmes. As indicated in the Plan itself, for the first time an attempt was being made to integrate the concept of women and development in a plan of action. The Plan served as a practical guide for the Bolivian State and social institutions, and had the necessary flexibility to meet needs as they arose. It was divided into five working areas: health and nutrition; sanitation and environmental health; education; children in especially difficult circumstances; and women.

11. Another important instrument was the National Plan for Infant Survival, Child Development and Maternal Health, which represented a manual of standards and procedures intended to harmonize the work of health personnel at the operational level, with priority given to the mother-child component.

12. On 17 December 1992 the National Congress had adopted a new Juvenile Code, which was an extremely valuable instrument that followed the Convention on the Rights of the Child in determining the State's efforts to protect children and ensure their full development. The Code, together with the foregoing programmes and the work of the National Board of Solidarity and Social Development, provided the legal framework for the State's social policy aimed at protecting children.

13. In conclusion, he would like to mention some achievements in social policy. Public investment in 1992 had been among the highest in the history of the country, and private investment had also increased. Social investment had exceeded $100 million in 1992, the country had begun to reverse its poverty and social costs were gradually being replaced by social benefits. The illiteracy rate had dropped from 80 per cent to 53 per cent between 1976 and 1992. An ambitious health programme, totalling over $70 million and financed by the Inter-American Development Bank and the World Bank, aimed at improving primary health care facilities in the nine departments. The infant mortality rate had dropped from 102 per thousand live births during 1988-1989 to 90 per thousand live births in 1991-1992, due to a doubling of the number of children immunized during 1988. Special efforts had been aimed at substantially reducing diarrhoeic diseases, the main cause of infant mortality. As a result of improvements in the social security, the number of inhabitants with access to health care had risen from 1.3 million in 1989 to 1.5 million in 1992. Those and other actions showed that the Government was determined to continue improvements in the health sphere.

14. The CHAIRMAN thanked the representative of Bolivia for his introduction and invited the members of the Committee to consult the following list of issues (CRC/C/3/WP.1) to be taken up in connection with the consideration of the initial report of Bolivia:

"General measures of implementation

(Arts. 4, 42 and 44, para. 6, of the Convention)

1. What is the status of the Convention in relation to national law and can the provisions of the Convention be invoked in court?

2. What other measures have been adopted to raise the awareness of professional groups? (para. 75 of the report)

3. Poverty and economic adjustment limit resources. How does the State intend to obtain resources to put the Plan of Action into practice, at both the national and international levels?

4. In view of the harsh effects of the economic adjustment, is there any social support for the most vulnerable groups? What measures are being adopted in that respect?

5. In addition to the serious economic problems, there are also obstacles of a technical nature in guaranteeing access by most Boli an children and young people to their most basic rights, such as the right

to health, education and special protection. Is international cooperation in this field significant? What types of cooperation are most needed by Bolivia at this time?

6. In what way does the Bolivian Government intend to overcome the traditional lack of coordination between economic and social policy? This is a feature of nearly all the Latin American region and is not exclusive to Bolivia.

7. What cooperation is there at the regional level with regard to the rights of the child? Are special meetings, such as the one held in Ecuador in June 1992, useful for making public opinion and governmental authorities aware of the need to implement the Convention on the Rights of the Child?

Definition of the child

(Art. 1 of the Convention)

8. The report acknowledges the problems involved in adopting the term 'juvenile' rather than 'child and adolescent' or 'child and young person' and the need to campaign for the re-establishment of the term 'juvenile'. In that case, why should that term continue to be used?

General principles

9. It is clear from the report that there is discrimination against girls in the fields of education, work and daily life. In this connection, account should be taken of cultural factors in addition to economic and social difficulties. How are the Bolivian State and Bolivian society dealing with that problem? (art. 2 of the Convention)

10. Please indicate the measures adopted by the authorities to eliminate and prevent attitudes and prejudices which make for discrimination against girls and disabled children. (art. 2 of the Convention)

11. Please describe the measures planned or being implemented and the factors and difficulties involved in reducing the differences between rural and urban areas. (art. 2 of the Convention)

12. Please describe specific measures taken to remedy problems faced in the area of basic services such as water and sanitation and to reduce the high rate of infant mortality. (art. 6 of the Convention)

13. With regard to recognition of the principle of respect for the views of the child, it would be interesting to have specific indications of the way in which this principle is reflected in legal provisions or judicial decisions. (para. 73 of the report) (art. 12 of the Convention)

Civil rights and freedoms

(Arts. 7, 8, 13-17 and 37 (a) of the Convention)

14. Please indicate measures taken or envisaged to sensitize and mobilize public opinion concerning the need to register births and provide and train adequate registry personnel. (para. 79 of the report)

15. Are non-Catholic children compelled to receive Catholic instruction in public schools? (para. 87 of the report)

Family environment and alternative care

16. Is the parents' poverty sufficient grounds for the children's court to remove parental authority?

17. Do the integral training centres for orphaned and abandoned children operate under a boarding system?

18. How does Bolivia's new Juvenile Code deal with the problem of inter-country adoption?

19. Please indicate factors and difficulties which may affect the recovery of maintenance for the child, such as the lack of adequate birth registration.

Basic health and welfare

20. What measures are being planned to overcome the lack of specialized staff for the care of disabled children?

Education, leisure and cultural activities

21. The doors to the schools are closing and the doors to the world of irregular and underpaid labour are opening earlier and earlier for children. This has been the principal effect of structural adjustment on education. How do the Government and Bolivian society intend to deal with this?

22. How is the policy of introducing languages other than Spanish into the schools developing? Are there any far-reaching initiatives or only experimental and selective projects?

23. Is the adoption of the Roman Catholic religion as the 'official State religion' not in contradiction with the right of indigenous children to have their own religion and culture?

24. What is being done to reduce the distressing 53 per cent rate of functional illiteracy in rural areas?

25. What is being planned to overcome the proliferation of rules and the lack of consistency in the legislation on education?

26. The report itself admits that the statistics on education are 'fragmentary and somewhat unreliable'. What is being planned to overcome this difficulty?

Special protection

27. What is the structure of the system of administration of juvenile justice and how does it function?

28. In what way are the provisions of article 37 (b), (c) and (d) of the Convention reflected in Bolivian law and practice?

29. How is the Bolivian Government dealing with the problem of irregular adoptions (sale and traffic) of children by foreign couples? Have any specific measures been adopted? Has anyone been indicted? Have any of the children returned to their original homes?

30. Please provide information on the implementation of the pilot project for intercultural and multilingual primary education. (para. 55 of the report)".

15. Mgr. BAMBAREN GASTELUMENDI welcomed the delegation of Bolivia, a sister country to his own and the first country to appear before the Committee on the Rights of the Child. He wished to stress the fact that the Committee was not a court but simply a forum for holding a dialogue with national representatives on the situation of children in the country concerned.

16. Although the report of Bolivia gave cause for optimism, there were also some grounds for concern. The report was not sufficiently specific; it spoke of goals but did not state whether and how those goals were met. There was too much legal complexity; as everyone knew, legal provisions did not in themselves resolve problems. For example, the report itself stated that the Declaration of the Rights of the Bolivian Child had not been put into practice for some years on account of shortcomings in the country's social policy. What mattered was the extent to which legislation was complied with, and the report did not provide sufficient details in that respect.

17. The report showed that the Government accepted responsibility for the situation, but it also gave the impression that the State had a monopoly on addressing social issues. There were few references to the participation of society as a whole or the role played by NGOs.

18. Turning to the definition of the child, he said that Bolivian legislation, under which all people under 21 years of age were regarded as juveniles, did not correspond to the provisions of the Convention, since 18-year-olds were not considered to be juveniles for the purpose of military service.

19. Mr. SORUCO VILLANUEVA (Bolivia) said that the economic measures instituted in 1985 had represented an effort to resolve long-standing difficulties with the limited resources available. It was important to note that in Bolivia the State was the main player in the social sphere; the private sector was relatively small, although the work of NGOs and the Church contributed significantly to the Government's efforts. Regarding the legal complexity of the report, he was confident that Bolivian legislation on children, in particular the Juvenile Code, was fully in harmony with the provisions of the Convention.

20. Referring to Mgr. Bambaren Gastelumendi's request for more details on the goals achieved, he said that a central feature of the national budget for 1992 was a significant increase in allocations to the social sector, which had increased from $32 million in 1991 to $112.8 million in 1992. Another point deserving of mention was that the 1985 adjustment programme had led to rationalization in a number of public enterprises and therefore an increase in unemployment. However, the Government had simultaneously adopted emergency measures, the most important of which had been the establishment of the Social Investment Fund; that had been so successful that similar funds had been set up by several other Latin American countries. The Fund had financed programmes in important areas such as drinking water and drainage in poor rural and marginal urban areas and the training of educators in maternal and child health care. By October 1992 the Fund had approved 969 projects, and the number of requests was increasing daily.

21. Concerning national institutions, he said that development corporations, NGOs, the Church, municipal governments and international organizations such as UNICEF and the World Food Programme were directly involved in social policy in Bolivia.

22. One major achievement in the field of education had been a project for peasant children, involving parents and NGOs in an advisory role. The programme focused on raising the general educational levels of children from families with limited resources.

23. Concerning the definition of the child, while article 41 of the Constitution did not use the term "juvenile", the definition of citizen excluded Bolivians under 21 years of age, or 18 in the case of persons who were married. The term "juvenile" was used in the Civil, Family and Juvenile Codes to refer to persons who had not reached the age of 21. To adopt the terms "child", "adolescent" and "young person" would require amendment to current legislation; that could not be the result solely of institutional debate but would require the expression of a national consensus in the form of a decision by Congress. As stated in paragraph 17 of the Bolivian Government's report, Congress had decided to retain the term "juvenile" as it encompassed all the various members of the population who were not yet of legal age. A mass education campaign was planned in order to dispel the pejorative connotations of the term "juvenile".

24. The CHAIRMAN invited the representative of Bolivia to reply to the questions asked in the list of issues (CRC/C/3/WP.1) to be taken up in connection with the consideration of the initial report of his country.

25. Mr. SORUCO VILLANUEVA (Bolivia) said in reply to question 1 that, under the Bolivian constitution one of the functions of the legislature was to approve international agreements, treaties and instruments including, of course, the Convention on the Rights of the Child. Upon ratification by the Bolivian Parliament, that Convention had become law on 14 May 1990. By ratifying the Convention, his country had demonstrated its commitment to comply with all of its provisions. The new Juvenile Code, approved on 18 December 1992, had been formulated within the framework of the provisions of the Convention.

26. Concerning question 2, measures relating to the care and protection of children had been developed since the 1950s but financial and budgetary restrictions, as well as the lack of an overall social welfare policy, had hampered progress. In that respect he referred to paragraph 75 of document CRC/C/3/Add.2, which described government measures to disseminate the provisions of the Convention. Major campaigns had been directed towards national institutions such as the police and the staff of town councils. At the same time, information campaigns on the rights of the child had been directed via the media towards all social groups. Seminars, workshops and other events had been held in relation to the Convention and the juvenile Code, and had been attended by both professional and grass-roots groups. In addition, teaching staff in public and private institutions had been active in raising awareness of the rights of the child.

27. Concerning question 3, a tough and far-reaching structural adjustment process had been undertaken in Bolivia to offset economic decline. The main short-term objectives of the new economic policy, initiated in 1986, were to halt inflation, reduce the public deficit and raise the level of income, before going on to establish a social development strategy, the main beneficiaries of which included Bolivian children. To that end a national plan of action had been implemented, resources for which were being provided through international cooperation and, to a lesser extent, from the national treasury. Figures for the financial period up to 1993 and for budgetary forecasts up to the year 2000 would be circulated to members of the Committee. The Government's 1992 budget had for the first time attached chief importance to social welfare and development, with 15.78 per cent and 10.78 per cent being allocated to the Ministry of Education and Culture and the Ministry of Social Welfare and Health respectively. Moreover, the main characteristic of the 1992 investment budget had been the significant increase in social sector spending (from US$ 32 million in 1991 to US$ 112.8 million in 1992). Priority had been given in the national Social Strategy to projects aimed at specific target groups in both rural and urban areas. Attention was being given to child welfare in the form of action to reduce child mortality rates and malnutrition and provide basic sanitation. The Government intended to increase the resources available for such purposes through changes in the

taxation system. At the same time, resources deriving from privatization would go towards a special fund for use exclusively in the social sector and intended as a counterpart to external resources for the structural adjustment programme. Resources from grants and credits would also be channelled towards programmes and projects related to social priorities.

28. Steps had been taken in recent years drastically to reduce Bolivia's external indebtedness, and in that respect he drew attention to a debt compensation agreement between Bolivia and Argentina, as well as measures to reduce the amount owed to private banks, and to the general rescheduling of Bolivia's foreign debts.

29. In reply to question 4, he said that in the early years of the economic adjustment and stabilization period, there had been little opportunity to undertake medium- or long-term social policies and emergency policies had consequently tended to predominate. Socio-economic indicators currently pointed to the need for a social strategy which would be an essential element of national development strategy. One of the main objectives of social strategy was to combat extreme poverty, improve the general standard of living of the population and integrate marginalized sectors into productive activities. On that basis a Ten-Year Plan of Action for Women and Children had been prepared in order to provide guidelines for public institutions and establish a framework for international cooperation agencies and NGOs in an effort to coordinate activities and optimize utilization of resources. The Plan included mother-and-child programmes and projects, as well as others specially oriented towards women and towards young people in particularly difficult circumstances. The main support institutions for social policy were the Social Investment and Rural Development Fund and the National Board of Solidarity and Social Development. The former had developed programmes relating to drinking water supply and sanitation in target areas and to women's education and primary health care, as well as educational infrastructure. The Yachay Wasis project setting up boarding-schools for children in rural areas had been successful in reducing school dropout rates. Another project intended to provide all-round education and learning materials was the multiservice centre project. The basic characteristics of efforts to combat poverty had been established in a Supreme Decree.

30. Concerning question 5, access to health, education and special protection services had been adversely affected by economic, cultural, logistic and technical difficulties. The problem of the quality of social services remained to be solved, as did that of limited resources and the precarious situation of support systems. The need for greater operational coordination among the various sectors, more effective use of resources and concentration of resources in specific areas must also be taker into consideration. In that context he referred to the problem of diarrhoeic diseases, which remained one of the main causes of death among children under five, stemming from inadequate oral rehydration therapy and access to health services in rural areas, erroneous treatment and dietary practices, and lack of hygiene and safe drinking water.

31. The difficulties relating to access to education were described in paragraphs 172-176 of the Government's report (CRC/C/3/Add.2). The current crisis in education was the result of the economic deterioration of previous years; to offset it educational policies over the previous five years had concentrated on primary education in order to guarantee access to education for all school-age children, within the framework of the UNESCO project for Latin America and the Caribbean. In an effort to close the gap between rural and urban education, efforts were being made to achieve a greater scientific and technical input in rural areas. Efforts were also being made to incorporate more women into the formal education system, particularly through literacy projects. International cooperation in health and education was significant, particularly in literacy and information campaigns, infrastructure and the provision of basic sanitation in remote areas, training of health personnel and updating of professional expertise. Attention was being directed towards ensuring a basic education infrastructure in both rural and urban areas, including the training of personnel involved in the education of children.

32. Concerning question 6, with the emergence of greater political stability and a more consistent economic policy, the Bolivian Government had in 1991 been in a position to act on the need to change the focus of social policy, attention being directed towards human capital in order to promote growth by means of greater productivity and ensure the integration of previously marginalized sectors of the population. The Government's Social Strategy identified and gave priorities to the various target groups to which social policy was to be geared, together with the institutional arrangements necessary in order to attain the goals set in the Strategy.

33. In reply to question 7, he said that his Government was cooperating with UNICEF in disseminating information about the Convention by means of a general awareness campaign. In that respect, his country was also participating in integrated efforts in Latin America in general and in the Andean region in particular to disseminate information on the rights of the child.

34. Question 8 on the definition of the term "child" had already been answered in his reply to Mgr. Bambaren Gastelumendi's question.

35. Concerning question 9, the first under the heading "General principles", the Government, through the National Board of Solidarity and Social Development, had formulated social policy relating to women on the basis of the Social Strategy, in which women were given priority. Action was planned in the context of both the family unit and in the area of basic education, and was aimed at democratizing roles and expectations by means of the participation of women in development from an early age. The Government was making every effort to ensure that there was no discrimination by sex or age in education or against young women in technical, academic or scientific fields or in military or police institutions. The participation of women in government, public life, labour and social organizations and international events was dynamically changing opinions concerning women's roles and was consequently reducing discrimination within the family circle in rural communities.

36. As to question 10, measures to eliminate and prevent attitudes and prejudices making for discrimination against girls and disabled children were included in the Ten Year Plan of Action for Women and Children, particularly in the social communication programme which was aimed at informing, motivating and mobilizing the population in order to promote behavioural changes in response to needs in the areas of health, education, sanitation, child protection and women's development. The programme was also aimed at promoting participation and commitment on the part of the community in the various specific programmes and projects, including those intended to benefit disabled children.

37. Concerning question 11, a long-term, development-oriented socio-economic and political process was called for in order to reduce the differences which currently existed between rural and urban areas. The national Social Strategy represented an attempt to deal with social as well as economic problems, giving priority to marginalized and neglected areas of the country. Within its main objectives of eliminating absolute poverty and training effective human resources in order to accelerate the economic development process, it had established three priorities. The first was promotion of the intensive use of labour in an effort to resolve the problem of unemployment in rural and marginal urban areas; in that respect the improvement of rural infrastructure was a key element in combating absolute poverty in rural areas. The second priority was investment in environmental sanitation, health and education in order to improve the quality of the country's human resources. And the third was to address the most pressing needs of vulnerable social groups, including the elderly and children. In that context, the Ten Year Plan of Action for Women and Children included programmes in such areas as health, basic sanitation and education. The gap which existed between urban and rural areas was to some extent due to a lack of coordination as a result of which some areas had received attention to the detriment of others. While NGO participation was appreciated, it had in some cases been difficult to ensure effective coordination. Renewed efforts were being made by the Ministry of Planning to achieve a more effective focus on priority areas within the overall planning process, with special attention being paid to activities in the most depressed areas in the form of an integrated approach to health, nutrition, education, basic sanitation and infrastructure.

38. Turning to question 12, he said that the problem of water supply and sanitation was a vital element in any social policy and was particularly urgent in Bolivia since only one in three of its inhabitants had a drinking water service and only one in four some kind of sewerage system. In 1991 the Government had announced a basic sanitation plan known as "Water for All" which was designed to provide substantial coverage in urban and rural areas by the end of the decade. Implementation of the plan had begun in 1992 and would reach more than 3 million people, with a funding commitment of US$ 303 million, representing 50 per cent of the total funding requirement. Children would be the group to benefit most and they would be less exposed to pollution and health problems.

39. Under the Social Investment Fund, 969 health, education and basic sanitation projects had been approved, 450 projects were being implemented and 98 had been completed, with the benefits extending to more than 1 million inhabitants. The National Regional Development Fund had financed a further 41 projects dealing with basic sanitation, roads, energy and land registration. Under the Plan of Action for Women and Children, the Government undertook to devote its best efforts to primary health care and to reduce significantly the numbers of children dying from diarrhoea, acute respiratory infections or diseases preventable by vaccination or immunization. A new system had been introduced in 1991 to strengthen the health services, involving inter alia the establishment of an integrated and decentralized national health system with community participation. Since the mobilization of women would determine the success of the social development strategy for children, the Ministries of Health and Education had undertaken the project "Women, education and life", which involved 600 rural schoolteachers in the training of some 120,000 women. In conjunction with the Ministry of Defence, the health sector was carrying out a training project to promote better health among conscripts.

40. The integrated health project funded by the World Bank, USAID, the Netherlands and Bolivian resources remained in operation and would provide better services for 2.5 million Bolivians. There was also a project to provide basic health services in 109 centres in various parts of the country. With the support of the Social Investment Fund, the construction of the first perinatal service had been completed in La Paz, and with the cooperation of friendly Governments hospitals and laboratories had been built throughout the country.

41. The reduction in the infant mortality rate from 102 per thousand in 1988-1989 to about 90 per thousand in 1991-1992 was due to the doubling of the rate of immunization and vaccination. In addition, 5,000 community units for the treatment of diarrhoea had been upgraded. The cholera-prevention campaign had been successful: all the health services had been strengthened, sanitation and public hygiene had been improved, and an epidemic-monitoring system had been established. The fatality rate had thus fallen from 3.5 to 1.8 per thousand. Action had also been taken to control Chagas' disease.

42. As a result of the efforts made in the area of social security, the number of people with access to health care through the social security system had risen from 1.3 million in 1989 to 1.5 million in 1992.

43. The general principle of respect for the views of the child (question 13) was covered in detail in article 115 of the new Juvenile Code, and in article 120 concerning the right to education. As to young offenders, article 200 entitled them to speak in person with their parents or guardians and with their defence lawyers. Furthermore, the measures concerning the adoption, protection, guardianship and care of children provided for in the Code included an obligation for juvenile court judges and the administrative authorities to seek and respect the views of minors.

44. Mrs. SANTOS PAIS said that the situation in Bolivia clearly had many positive aspects. The Convention had been ratified speedily, and the initial report had been submitted on time and in accordance with the guidelines. It had been prepared by a large group of governmental and non-governmental bodies, including the Office of the President and the judiciary; it was good for those responsible for implementing the Convention to be involved in the assessment of the situation. The report also contained elements of self-criticism, for example in paragraphs 172 and 173; recognition of shortcomings was the first step towards overcoming them. The report described in detail the legal framework, in particular the new Juvenile Code, which represented the starting-point in protecting the rights of the child. The representative of Bolivia had also described global trends and concerns, and the ensuing dialogue would certainly give the Committee a clearer idea of developments in his country.

45. The representative of Bolivia had mentioned the harmful effects which the economic model could have on social sectors, with the poorest social groups sometimes receiving least attention. The principle of non-discrimination must be the rule in all situations. Although resources might be short, children must be protected to the extent of those resources, and it was the duty of the State to ensure the widest possible exercise of children's rights within the limits of its budget. Children must be the target of low-cost but adequate programmes, and the principle of the best interests of the child was a good guide in the allocation of resources.

46. With reference to paragraph 55 of the report, she would welcome information about the translation of the Convention into the indigenous languages.

47. The question of the definition of the child was a source of concern. The improvements contained in the new Juvenile Code were welcome, but problems remained. With respect to legal counselling, the phrase "at an advisory level" in paragraph 18 of the report was unclear, and the provision in question might be inconsistent with article 37 (d) of the Convention, and indeed with paragraph 39 of the report itself. Paragraph 20 stated that legal counselling was more often given to the parents or legal representatives of juveniles - an arrangement which might be inconsistent with article 13 of the Convention. Still on the question of the definition of the child, it was apparent from paragraphs 31 and 56 of the report that girls suffered discrimination in respect of the minimum age of consent and in other areas. It would be helpful to know what measures were envisaged to remedy that situation.

48. The general principle of non-discrimination was dealt with in detail in the report, but paragraphs 55, 165 and 167 described certain aspects of discrimination, especially against indigenous and rural children. Further measures to remedy the situation were needed, with special reference to articles 2, 4 and 28 of the Convention.

49. It would be interesting to hear the views of the representative of Bolivia as to how application of the principle of the best interests of the child could be used to increase the education budget and eliminate discrimination. In particular, it was not clear that the best interests of the child were protected with regard to adoption by foreign couples (para. 68).

50. Mr. SORUCO VILLANUEVA (Bolivia) said that the recent approval of the new Juvenile Code had removed many of the contradictions in earlier legislation, and a copy of the final version of the Code would be sent to the Committee. Reform of the education system was a priority in Bolivia and was regarded as a means of modifying the economic structure and removing discrimination. Increased funds were being allocated to education, which had received 26.4 per cent of the 1991 budget.

51. He would transmit the question about the translation of the Convention to the appropriate authorities. Although under the Constitution Bolivia's official language was Spanish, indigenous languages were respected. For example, where necessary, teachers were multilingual, the local language being used as the main language of instruction and Spanish being taught as a second language.

52. The report recognized that many children were discriminated against in education, for example giving up school in order to work in the home or the fields. The new Juvenile Code sought to correct that shortcoming, and such measures as local seminars were being used to try to ensure that all children completed at least the basic level of education. The Social Strategy targeted critical rural areas with a view to easing economic problems and making it easier for children to attend school. The freeing of prices, for example, had increased the purchasing power of small farmers, with beneficial effects on their family and social life.

53. In response to Mrs. Santos Pais' question about the apparent inconsistencies between the report and the Convention, he pointed out that articles 182-189 of the new Juvenile Code ensured the protection of minors, stipulating for instance that no minor should be deprived of his or her liberty without due legal process, that no term of imprisonment should be for more than two years, that imprisonment should be followed by family rehabilitation through the assisted liberty scheme, and that children should be held only in centres specifically intended for minors. Furthermore, the Constitution guaranteed minors deprived of their liberty the right to see their parents, meet privately with defence counsel, receive educational and vocational training, and be treated with respect and dignity. Article 201 stipulated that the State had a duty to ensure the safety and physical well-being of minors deprived of their liberty.

54. However, it was not always possible to implement those rights since the necessary infrastructure was not always in place. Changes had taken place enabling persistent offenders under the age of 16 to receive social rehabilitation in a psychotherapeutic atmosphere at specialist centres under

the aegis of the National Board of Solidarity and Social Development. The national police now referred cases involving juveniles to the regional juvenile directorate, but it would be impossible to say that there were no cases of illegal detention of minors by the police.

55. Measures taken to counteract discrimination against girls had already been described. It was to be hoped that the growth of the Bolivian economy, together with various social policies, would improve the situation. The information campaign should also benefit from a healthier economy.

56. The new Juvenile Code contained provisions aimed at eradicating unlawful adoptions. Children could not leave the country without the correct legal papers obtained from a juvenile court judge. Inter-country adoption proceedings by private couples were no longer allowed; they could only take place through representatives of accredited international organizations acting with the approval of the Bolivian Government and that of the other country involved.

57. With regard to the sale and trafficking of minors, convictions had been obtained and the National Juvenile Office, together with the Ministry for Foreign Affairs and the Ministry of the Interior, had in 1991 and 1992 identified six cases of children leaving the country for purposes other than adoption.

58. The CHAIRMAN thanked the representative of Bolivia for his answers.

59. Mr. KOLOSOV said that he had four questions - firstly, about legal and practical measures to improve the situation with regard to welfare and social support. Secondly, the report had mentioned the negative effects of privatization on the education and health services but in his oral presentation, the representative of Bolivia had stated that the private sector was small. That point needed clarification. Thirdly, it would be interesting to know from which sectors of the State's budget funds had been reallocated to health and education. Lastly, the representative of Bolivia might like to comment on the role of NGOs and the Catholic Church in monitoring implementation of the Convention.

60. Mrs. EUFEMIO asked whether the State used volunteers to complement the efforts of paid workers in health and education in the light of the limited resources available, particularly under the Ten-Year Plan of Action for Women and Children.

61. Mr. HAMMARBERG said that the Committee represented children and so it must always ask itself whether children in the future would feel that the Committee had asked the right questions and drawn the right conclusions. Skilful diplomats would always be able to claim that their Government had neither the resources nor the time to implement the Convention. The Committee must assess each Government's commitment to the articles and spirit of the Convention. The weakness of the report of Bolivia was that it showed no deep understanding of the basic principles of the rights of the child, which were that due consideration should be given to the best interests and to the opinion of the child, and that article 2 of the Convention, concerning

non-discrimination, should be fully respected. It was not enough to change legislation on discrimination; active measures should be taken in order to eliminate discrimination. He asked whether sufficiently energetic measures had been taken to that end in Bolivia.

62. As to the new economic policy, it appeared that the foreign banks had been its principal beneficiaries. He asked what positive impact it had had for children.

63. The representative of Bolivia had commented on the uncoordinated activities of foreign agencies, particularly in rural areas. Did he have any specific criticisms, bearing in mind that under article 45 (b) of the Convention the Committee could transmit requests for technical assistance to relevant bodies?

64. The Committee needed to know more about the system used for gathering data and the quality and reliability of statistics provided by the Bolivian national statistics bureau. It would also be useful to hear about the kind of information the Government of Bolivia required not just for compiling documents such as the report, but for its own internal planning purposes.

65. Mrs. SANTOS PAIS associated herself with the points made by Mr. Hammarberg. Although the details of the new Juvenile Code provided by the representative of Bolivia were most interesting, her previous question had been intended to find out how the basic principles of the rights of the child played a role in inter-country adoption and also how they could be squared with the fact that children under 21 were prevented from receiving legal counselling, when 14-year-olds could testify in court and 16-year-olds could be deprived of their liberty.

66. Mr. SORUCO VILLANUEVA (Bolivia), replying to Mr. Kolosov's question on welfare, said that one of the main duties and responsibilities of parents was to ensure the development and well-being of their children, with State support where necessary. In keeping with the Convention, the Bolivian Constitution guaranteed the child's right to education and full development. The role of the Government in the difficult transition period through which Bolivia was passing was to reduce and eliminate poverty. Children should remain in their family of origin wherever possible; the poverty of parents was not in itself considered sufficient justification for removing a child from the family environment. Bolivian legislation concerning the rights of the child was sophisticated but there were problems in its implementation. The economic changes in the country should result in more resources being available for social activities. The State had fewer social functions than before, but it should carry out those functions, particularly in the fields of education and health, in as effective a way as possible.

67. Concerning the apparent discrepancy between comments in the report on privatization and the existence in Bolivia of a small private sector, it should be noted that although the private sector was indeed small it was growing. Over the previous few years, the export sector had more than tripled in size. Together with the tax reform programme, that should generate income

the State could use for health and education. It would be inaccurate to say that negative indicators were deteriorating further as a result of privatization, since the situation was improving and the private sector was playing an increasing social role.

68. Education and health accounted for the largest part of the budget. Under the Ten-Year Plan, appropriations in those fields had been approved up to the year 2000, by which time the objectives set should have been met. NGOs were particularly active in health and education and focused on the rural areas of the country. They were increasingly coordinating their work with the Ministry of Planning. His Government had attracted the special attention of the international community through its work with international agencies in such areas as improving sanitation and the supply of drinking water.

The meeting rose at 1 p.m.